

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARY C. FEESS and DEPARTMENT OF HEALTH & HUMAN SERVICES,
SOCIAL SECURITY ADMINISTRATION, Manhattan Beach, CA

*Docket No. 00-400; Submitted on the Record;
Issued June 27, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether the Office of Workers' Compensation Programs met its burden of proof in terminating appellant's compensation benefits as of June 2, 1998 on the basis that she no longer had any ongoing objective neurological condition or disability causally related to her June 28, 1991 employment injury.

The Board has given careful consideration to the issue involved, appellant's contentions on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office dated August 13, 1999 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ Once the Office has accepted a claim and pays compensation, it bears the burden to justify modification or termination of benefits. *Curtis Hall*, 45 ECAB 316 (1994). Having determined that an employee has a disability causally related to his or her federal employment, the Office may not terminate compensation without establishing either that the disability has ceased or that it is no longer related to the employment. *Jason C. Armstrong*, 40 ECAB 907 (1989). The Board finds that the Office met its burden of proof in terminating appellant's compensation benefits based on the accurate, thorough and well-rationalized report of Dr. Schenley L. Co, a Board-certified neurologist; see *Samuel Theriault*, 45 ECAB 586, 590 (1994).

The decision of the Office of Workers' Compensation Programs dated August 13, 1999 is hereby affirmed.

Dated, Washington, D.C.
June 27, 2000

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member